

REMARKS

Claims 1-7, 16 and 22-30 are currently pending in the application. Claims 1 and 4 have been amended, claim 17 has been canceled and new claims 26-30 have been added. Support for the amendments and new claims can be found in the original specification and claims, *e.g.*, pages 9-11. The specification has been amended to replace the sequence listing filed on June 2, 2008 with the sequence listing filed September 2, 2004. No new matter has been added by these amendments.

Objections to the Specification

The Office Action indicates that Applicants' amendment to the specification adding SEQ ID numbers 4 and 5, corresponding to BNP and N-BNP, respectively, constitutes new matter. While Applicants do not agree with this assertion, in order to expedite prosecution, Applicants have amended the specification to replace the sequence listing filed on June 2, 2008 with the sequence listing filed September 2, 2004, thereby removing the allegedly new matter.

Claim Rejections – 35 U.S.C. § 112, first paragraph - written description

Claims 1-7 and 16-17 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, it is alleged that there is no written description for the phrases “comprising SEQ ID NO: 4” and “comprising SEQ ID NO: 5” in claim 1. While Applicants do not agree with this assertion, in order to expedite prosecution, Applicants have amended claim 1 to delete the reference to SEQ ID numbers 4 and 5. In view of these amendments, Applicants request the reconsideration and withdrawal of the rejections for lack of written description.

Finality of Office Action

Applicants hereby request the withdrawal of the finality of the present Office Action. Applicants' amendments of March 31, 2008 and June 2, 2008 were made in a *bona fide* attempt to comply with the Examiner's directive made in the October 30, 2007 Office Action regarding the insertion of BNP and N-BNP sequences into the specification. As such, Applicants believe the finality of the present Office Action is premature, and request this finality be withdrawn.

CONCLUSION

Early and favorable consideration of the application is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at (617) 832-1000.

Respectfully submitted,
FOLEY, HOAG LLP

Dated: November 11, 2008

/Gregory J. Sieczkiewicz/
Gregory J. Sieczkiewicz
Reg. No. 48,223
Attorney for Applicants

Customer No: 63767
Patent Group
Foley, Hoag LLP
155 Seaport Blvd.
Boston, MA 02210-2600
Tel. (617) 832-1000
Fax. (617) 832-7000